

Section III:
AMENDMENT UNDER 37 CFR §1.121 to the
DRAWINGS

No amendments or changes to the Drawings are proposed.

Section IV:
AMENDMENT UNDER 37 CFR §1.121
REMARKS

Summary of Telephone Interview

On May 14, 2007, Applicants' agent, Robert H. Frantz, Examiner Kumar, and Supervisory Examiner Myhre held an interview by telephone to discuss an amendment proposed by Applicants' agent in a related patent application, serial number 10/755,831. This related application was the reference upon which the provisional Double Patenting rejections were based in the present patent application. Examiner Kumar is also examining the related case, and has cited the same references (Jacobson and Snag-it) in the related case.

Applicants proposed in the related case similar amendments to those made herein with the intent to advance prosecution to allowance in the next office action. Applicants believe that the added elements, steps, and/or limitations place the claims clearly in a position for allowance over the art of record in both patent applications.

Although official agreement regarding patentability was not reached in the related application, all in attendance in the interview believed that the proposed amendment would likely place the claims in a condition for allowance, especially with regard to the addition of the claim step, element, or limitation which recites generation of a footnote, endnote, or bibliographical entry.

Applicants appreciate Examiner Kumar's and Examiner Myhre's time and input received during the interview.

Claim Objections

In the Office Action, an objection to Claim 21 was made regarding an apparent typographical error making the system claim dependent on a method claim, Claim 1. Applicants have cancelled Claim 21, incorporating its recitation into claim 15.

Provisional Double Patenting Rejections

In the Office Action, Claims 1 - 6, 8 - 13, and 15 - 20 were provisionally rejected under the judicially-established doctrine prohibiting double patenting of an invention over the related patent application, serial number 10/755,831

The claim steps, elements, and limitations of claim 7 have been amended into claim 1. Because Claim 7 was not subject to the provisional double-patenting rejection, this normally would overcome the double patenting rejection without the need for a terminal disclosure. However, in the related patent application, similar steps, elements and limitations are being amended into its claims. As such, Applicants submit herewith a terminal disclosure.

Similarly, claims 14 and 21 have been cancelled, amending their steps, elements, and limitations into the respective claims from which they depend.

Withdrawal of the double-patenting rejections of claims 1 - 6, 8 - 13, and 15 - 20 is respectfully requested.

Rejections under 35 U.S.C. §103

In the Office Action, claims 1 - 21 were rejected under 35 U.S.C. §103(a) for being unpatentable over US Patent 6,735,701 to Jacobson (hereinafter "Jacobson") in view of non-patent literature "Snag-it User's Guide" by TechSmith Corporation (hereinafter "Snag-it").

Applicants believe the amendment to the claims clearly distinguish over the cited references in the following ways:

(1) Applicants' verbatim quoting (e.g. direct copying) sequence is the reverse of the traditional copying sequence. Normally, a user finds or locates the item to be copied, selects it, operates a copy command, and then selects a location where that copy should be placed. This is a source first, destination second sequence. Applicants' method, however, uses the reverse of this normal process, wherein the destination is designated first, then the source for copying is designated second. Thus, it is a destination first, source second process. (*reference: para. 0063*) This reversal of the normal copying process is not suggested by the cited references, but is useful in solving the problem of automatically monitoring and footnoting verbatim cited material. Instead, Jacobsen describes typical downloading scenario (e.g. select source first, designate destination second); and Snag-it does not insert content into an existing user interface

while viewing a file, but instead creates a new file, email, document, etc.

(2) Applicants' invention is directed towards capturing information items to complete a footnote, endnote, or bibliographical entry, such as those used commonly in scientific and educational documents. (*see para. 0027*) Jacobsen relates to monitoring network usage, not creating footnotes, endnotes, or bibliographies. Snag-It relates to capturing images of computer screens, and is silent regarding such note creation.

Claims 7, 14, and 21 as originally filed specified automatic generation of a reference note such as an endnote, a footnote, or a bibliographic entry. In the Office Action, it was reasoned that Jacobson teaches generation of these notes at col. 11, lines 26 - 34.

Applicants respectfully disagree, and submit that Jacobson teaches creation of report documents which are not endnotes, reference notes, or bibliographic entries, but instead are network usage reports (e.g. document history, document authenticity, network user access to documents, etc.) Further, Jacobson is silent as to creating such reference notes *within the destination electronic document* where quoted text is being copied to because (a) Jacobson creates a separate report file, and (b) Jacobson is silent with respect to copying text from a source document to a destination document.

(3) Applicants' invention copies non-executable text from one source document to another (*see para. 0065, for example*), while Jacobsen relates to the copying or downloading of executable software. Snag-It relates to copying images of computer screens (e.g. "screen captures"), where a screen capture is taken from a video buffer of a computer, not from a source document file.

For these reasons, Applicants submit that Claims 1 - 6, 8 - 13, and 15 - 20, as amended, are allowable over Jacobsen in view of Snag-It. Applicants respectfully request reconsideration of these rejections and allowance of Claims 1 - 6, 8 - 13, and 15 - 20.

Amendment to Expedite Allowance

Applicants have amended claims 1, 8, and 15 in this application. Applicants, however, are not conceding in this application that these claims are not patentable over the art cited by the Examiner in their originally-filed form, whereas the present claim amendments are only presented for facilitating expeditious examination of some of the allowable subject matter and scope as discussed during the interview.

Applicants respectfully reserve the right to pursue these and other claims in one or more continuations and/or divisional patent applications.

Respectfully,

/ Robert Frantz /

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